

Appl. No. 10/708,837
Attorney Docket No. 70655.0100

REMARKS

Applicants reply to the Final Office Action mailed on October 10, 2006 within two months. Thus, Applicants request an Advisory Action, if necessary. Claims 1-35 were pending and the Examiner rejects claims 1-35. Applicants amend claim 15 and address the Examiner's remarks. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Applicants respectfully assert that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made and therefore, Applicants have complied with 37 C.F.R. § 1.56.

Claim Rejections

§112 Rejections

Claim 15 stands rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicant's amendment to claim 15 provides proper antecedent basis rendering this rejection moot. Accordingly, Applicants request withdrawal of the rejection of claim 15 under this section.

§103(a) Rejections

Claims 1-12, and 15-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Black U.S. 2005/0122209 ("Black") in view of Elledge U.S. 6,609,656 ("Elledge"). Claims 1 and 15 stand rejected over Saito et al. U.S. Pub. No. 2004/0129787 in view of Elledge. Claims 18-35 stand rejected over Black. Claims 1 and 12 stand rejected over Black in view of Martzen

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et al. U.S. 2002/0191816 ("Martizen"). Claim 13 stands rejected over Black/Elledge/Martizen et al., in view of Moebs et al. U.S. 2005/0065872 ("Moebs"). Applicants respectfully traverse.

Black is directed towards use of biometric authentication in connection with various known transaction devices, such as an RFID device having a single transponder. Elledge is directed towards use of individual registered transponders on numerous unassociated devices for detection of lost or stolen devices. Similarly, Martizen is directed generally towards associating biometric samples with user and account information and Moebs is directed to categorizing consumer transaction risks. In contrast, the presently claimed invention is directed towards a multi-transponder system and method in which different biometric samples are used to select or include individual associated transponders for use in completing a transaction.

The Office Action asserts "that it is obvious that the system of Black is used in an environment, which includes many users, location, and transponders." The present claims, in contrast, are not directed towards unassociated transponders of different users in different locations, but rather to first and second associated transponders. For example, paragraph [0070] describes use of "a biometric sensor and biometric membrane configured to operate as switch 230 and activate fob 102 when provided biometric signal from fob user." Paragraph [0073] describes a fob "configured to include a first and second RF module (e.g., transponder) where the first module may operate using a 134 MHz frequency and the second RF module may operate using a 13.56 MHz frequency . . . fob 102 may be configured to prioritize selection of the one or the other frequency and reject the remaining frequency [or] to prioritize selection of one or the other frequency and reject the remaining frequency."

Thus, while Black, Elledge, Martizen and Moebs may disclose various wireless transaction and biometric security technologies, neither Black, Elledge, Martizen, Moebs, nor

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any combination thereof, disclose or suggest at least “a second transponder associated with said first transponder and responsive to a second RF interrogation signal [and] a biometric sensor configured to detect at least one of a first proffered biometric sample and a second proffered biometric sample, said biometric sensor configured as a switch to communicate with said system to selectively facilitate control of an order of operation of said first transponder and said second transponder” as recited in previously presented independent claim 1. (emphasis added).

Neither Black, Martzen, Moebs, nor any combination thereof, disclose or suggest at least “receiving a second RF interrogation signal at a second transponder associated with said first transponder, said first RF interrogation signal distinct from said second RF interrogation signal; . . . and proffering a second biometric sample at a biometric sensor to initiate verification of said second biometric sample for facilitating authorization of a transaction using said second transponder,” as recited in previously presented independent claim 18. (emphasis added).

Neither Black, Martzen, Moebs, nor any combination thereof, disclose or suggest at least “transmitting a second RF interrogation signal to a second transponder associated with said first transponder [and] authorizing a transaction to proceed using at least one of said first and second transponders based upon verification of a corresponding one of said first and second proffered biometric samples,” as similarly recited in previously presented independent claim 27.

Accordingly, Applicants assert that claims 1, 18, and 27 are patentable over the cited references. Similarly, claims 2-17, 19-26, and 28-35 variously depend from claims 1, 18, and 27 and contain all of the respective elements thereof. Therefore, Applicants respectfully submit that these claims are differentiated from the cited reference at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-35.

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Applicants respectfully submit that the pending claims (35 total, 3 independent) are in condition for allowance. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Respectfully submitted,

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